

**COOKEVILLE CITY COUNCIL  
REGULAR MEETING  
JUNE 5, 2003  
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, June 5, 2003, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

Also present: Jim Shipley, City Manager; Stephanie Miller, City Clerk; and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF  
AGENDA AS PRESENTED**

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to remove item #11- consider for approval Interlocal Agreement for JECDB (Joint Economic and Community Development Board). Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**OLD BUSINESS:**

**CONSIDER APPROVAL OF MINUTES  
OF COUNCIL MEETING HELD ON  
MAY 15, 2003**

Councilman Davis made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Vice-Mayor Qualls. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL  
MINUTES  
JUNE 5, 2003**

**NEW BUSINESS:**

**CONSIDER ON FIRST READING  
REVISED ORDINANCE #O03-05-10,  
EPHEDRINE REGULATIONS**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to substitute revised ordinance for Ordinance #O03-05-10 and approve on first reading (due to significant changes).

Councilman Davis made a motion, seconded by Mayor Womack, to amend the ordinance by removing Section 10-106(b)(5) – description of intent of use. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the amendment to the motion carried.

Upon call for a vote on the amended motion, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the amended motion carried.

**CONSIDER RESOLUTION #R03-06-10,  
URGING THE TENNESSEE GENERAL  
ASSEMBLY TO REPEAL TCA  
39-17-1501 THROUGH 1551 SO THAT  
LOCAL GOVERNMENTS WILL HAVE  
THE RIGHT TO PROTECT THE  
HEALTH AND SAFETY OF CITIZENS  
BY ENACTING ORDINANCES  
REGARDING TOBACCO PRODUCTS**

Mr. Randy Todd, representative for “Quit for Life”, spoke in support of this resolution.

Mayor Womack made a motion, seconded by Vice-Mayor Qualls, to adopt Resolution #R03-06-10. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL  
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**HOLD A PUBLIC HEARING AND  
CONSIDER ON FIRST READING  
ORDINANCE #003-05-08, CLOSURE  
AND ABANDONMENT OF A  
PORTION OF AN ALLEY BETWEEN  
WEST 3<sup>RD</sup> & WEST 4<sup>TH</sup> STREETS  
AND NORTH OAK/CEDAR AVENUES**

Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve on first reading Ordinance #003-05-08. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND  
CONSIDER ON FIRST READING  
ORDINANCE #003-05-09,  
REZONING PROPERTY  
OFF NORTH WASHINGTON/  
DAVIS AVENUES IDENTIFIED  
AS PARCELS 11 & 12 ON MAP  
53C, GROUP D, A PORTION OF  
PARCEL 2.03 & PARCEL 3 ON  
MAP 53C, GROUP K, & PORTION  
OF PARCEL 6.01 & PARCEL 10  
ON MAP 53C, GROUP K, CONTROL  
MAP 53F FROM CN (COMMERCIAL  
NEIGHBORHOOD) & RS10 (SINGLE-  
FAMILY RESIDENTIAL) TO MS  
(MEDICAL SERVICES)**

Several residents of this area spoke in opposition.

Councilman Shelton made a motion, seconded by Councilman Davis, to approve on first reading Ordinance #003-05-09. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**CONSIDER ON FIRST READING  
ORDINANCE #003-06-12,  
AMENDING THE BUDGETS OF THE  
VARIOUS FUNDS/DEPARTMENTS  
OF THE CITY OF COOKEVILLE,  
TN, FOR THE FISCAL YEAR ENDED  
JUNE 30, 2003, AND REVIEW OF  
FINANCIALS FOR THE PERIOD  
ENDING APRIL 30, 2003**

**COOKEVILLE CITY COUNCIL  
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Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve on first reading Ordinance O03-06-12. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee


The City Clerk announced that the motion carried.

**SET A DATE FOR A PUBLIC  
HEARING ON ORDINANCE  
#O03-06-11, AMENDING THE  
OFFICIAL ZONING CODE OF  
THE CITY OF COOKEVILLE,  
TN, AS ADOPTED BY  
ORDINANCE #O01-11-15 ON  
12-20-01 & AS SUBSEQUENTLY  
AMENDED, BY REVISING  
CERTAIN PROVISIONS OF  
SECTION 207, GENERAL SIGN  
REGULATIONS**

Mayor Womack set the date for July 3, 2003, at 6:00 p.m.

**CONSIDER REQUEST BY  
ADAMS, USA TO PURCHASE  
CITY-OWNED PROPERTY**

**MEMORANDUM**

TO: City Council  
FROM: Jim Shipley, City Manager   
DATE: June 2, 2003  
RE: Request to purchase city-owned property

In August of 1999, Adams USA asked the city to sell them approximately 1.65 acres behind their facility. We had the property appraised, and Adams USA paid the appraised price, which was \$.60 per square foot.

Adams is expanding again, and they need an additional two (2) acres. A survey is attached showing the location of the property. We are required by the charter to sell all real property over \$1,000 by competitive bid. However, the determination was made in 1999 that the city could sell property to an existing industry for expansion without taking bids as an incentive.

The increase in the consumer price index to the \$.60 per square foot appraisal in 1999 brings the value of the property to \$.67 per square foot today. Therefore, the price for the two (2) acres is \$58,370.40.

I recommend approval of this sale. It is an excellent way to help an existing industry expand, plus, they are willing to pay the fair-market price for the property.

Councilman Shelton made a motion, seconded by Councilman Davis, to approve the sale of property as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

COOKEVILLE CITY COUNCIL  
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CONSIDER APPOINTMENTS  
TO THE INDUSTRIAL  
DEVELOPMENT BOARD

MEMORANDUM

TO: City Council  
FROM: Jim Shipley, City Manager *JS*  
DATE: June 2, 2003  
RE: Industrial Board Appointments

The terms of Bob Bell and Bobby Williams have expired. Eldon says that both have agreed to serve another term. There is one additional opening on the board because Ron Jones with Am South Bank no longer lives in Cookeville. This opening needs to be filled soon; please give some thought to a replacement.

Mayor Womack nominated Mr. J. D. Parks to fill the unexpired term of Ron Jones & nominated for reappointed Mr. Bob Bell/Mr. Bobby Williams to the Industrial Development Board.

Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

CONSIDER AWARDED BID FOR  
ANNUAL CONSTRUCTION –  
GAS DEPARTMENT

CITY OF COOKEVILLE, TENNESSEE  
BID TABULATION RECORD

ITEM FOR BID: Natural Gas Improvements  
DEPARTMENT: GAS  
DATE OF BID OPENING: 5-7-03  
TIME OF BID OPENING: 11:00 a.m.  
BIDS OPENED BY: James A. Daniel  
OPENING WITNESSED BY: Linda Savage

BIDDERS NAME:	PRICE							
James Bush Construction	558,249.35							
Putnam Contracting Services	497,183.00							

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM Putnam Contracting Services BE AWARDED FOR THE

FOLLOWING REASON: Low Bid

*James A. Daniel*  
RECOMMENDED: DEPT. HEAD, James A. Daniel

*Stephanus Miller*  
BUDGET AVAILABILITY: FINANCE DIRECTOR

APPROVAL: CITY MANAGER

- Approximately  
\$60,000  
Budgeted  
*DM*

COOKEVILLE CITY COUNCIL  
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Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to award the annual construction bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

CONSIDER AWARDED BIDS FOR  
TRANSFORMERS – ELECTRIC DEPT.

CITY OF COOKEVILLE  
BID TABULATION SCHEDULE  
BID NOTICE # 03050601

DATE OF BID OPENING: 5/27/2003  
BIDS OPENED BY: Glenn Greenwood  
BIDS WITNESSED BY: Brian Bohannon  
DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	QTY	10 KVA CSP Transformer 6		150 KVA PAD Transformer 2				
		evaluated cost		evaluated cost				
Wesco		\$ 410.00 \$ 2,460.00	\$ 804.17	\$3,913.00 \$ 7,826.00	\$ 7,252.63			
Power Supply		\$429.00 \$ 2,574.00	\$ 622.58	\$3,675.00 \$ 7,350.00	\$ 7,103.50			
Tennessee Valley Electric		\$405.90 \$ 2,435.40	\$ 623.22	\$3,986.00 \$ 7,972.00	\$ 7,365.18			
Stuart Irby		\$351.10 \$ 2,106.60	\$ 538.32	\$3,851.00 \$ 7,302.00	\$ 6,999.25			

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Stuart Irby

BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.

RECOMMENDED: DEPT. HEAD

APPROVAL: CITY MANAGER

CITY OF COOKEVILLE  
BID TABULATION SCHEDULE  
BID NOTICE # 3052101

DATE OF BID OPENING: 5/28/2003  
BIDS OPENED BY: Glenn Greenwood  
BIDS WITNESSED BY: Brian Bohannon  
DEPARTMENT: Electric

TIME: 10:00 AM CST

BIDDERS	QTY	item 1 100 KVA CON. Transformer 3		item 2 500 KVA PAD Transformer 2				
		evaluated cost		evaluated cost				
Wesco		\$1,515.00 \$ 4,545.00	\$ 3,090.35	\$6,388.00 \$ 12,776.00	\$ 15,039.48			
Power Supply		\$1,223.00 \$ 3,669.00	\$ 2,750.80	\$6,862.00 \$ 13,724.00	\$ 15,589.21			
Hughes Supply		\$1,061.00 \$ 3,183.00	\$ 2,669.39	\$6,730.00 \$ 13,460.00	\$ 15,869.82			
Stuart Irby		\$1,201.00 \$ 3,603.00	\$ 2,825.50	\$6,707.00 \$ 13,414.00	\$ 16,194.13			

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Wesco Hughes Supply

BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.

RECOMMENDED: DEPT. HEAD

APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL  
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Councilman Shelton made a motion, seconded by Councilman Davis, to award the transformer bids as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack  
Vice-Mayor Steve Qualls  
Councilman Jean Davis  
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

Jim Shipley, City Manager, announced that today, June 5<sup>th</sup>, is Cookeville's 100<sup>th</sup> Birthday. He stated the following:

***Cookeville is 100 Years Old.***

Be it ordained by the Board of Mayor & Aldermen that the act of Incorporation of the town of Cookeville be published in the book of Ordinances as the first thing so as to set forth our laws and to show the authority we have for action, and to sow the duty of the officers of said corporation except as otherwise provided for by ordinance.

Passed final reading – 100 years ago today - June 5, 1903

Jesse Arnold, Mayor

O.K. Holladay, Recorder

We are planning events throughout the year to commemorate the 100 year anniversary of the "final incorporation" of this city. (It was first chartered in 1854, but in 1879 the charter of Cookeville was revoked and then chartered again in 1903.)

We'd like to invite you to the Community Band Concert in Dogwood Park on Monday, June 9<sup>th</sup>, at 7:30PM and the theme is "100 Years Ago today". Recognition will be given to many 100 year anniversaries including Bob Hope, Harley Davidson, 100 years of Flight, Ford Motor Co., the ice cream cone, the Herald-Citizen and the City (town) of Cookeville.

We'll keep you informed as other events and commemorations are scheduled.

- Hold celebration in conjunction with one of the Community Band Concerts (held every other Monday through August 4, 2003).
- Schedule a separate Community Band Concert for a Sunday afternoon.
- Hold celebration in conjunction with the Symphony concert on Sunday, September 7, 2003 (the Sunday following fall funfest.
- Hold celebration in conjunction with one of the Sunday "Concerts in the Park", which only run through the month of June.
- Hold celebration at halftime of Tech's 1st football game on September 6, 2003, which is during fall funfest.
- Coordinate celebration with fall funfest.

COOKEVILLE CITY COUNCIL
MINUTES
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Cookeville's Second Charter—1903

After the Civil War a number of prominent Cookevillians joined the campaign against the legal sale of alcohol in Tennessee. This debate was heightened in 1877 when the Tennessee General Assembly passed the Hamilton Bill better known as the Four Mile Law. It said in essence that it was illegal to sell liquor within four miles of a private school in rural areas. Liberally interpreted, many people across the state used the Four Mile Law to either continue or desist selling booze. Since most schools in Tennessee were private, incorporated towns could appeal to the state legislature for the revocation of town charters, giving greater local control over the liquor issue. In 1879 the charter of Cookeville was revoked and the town refused to allow establishments to sell alcohol. As the years passed, the state legislature added amendments to the Four Mile Law. By 1903 the law was amended again to incorporate towns of less than five thousand.

Between 1879-1903 Cookevillians discussed the possibility of rechartering the town. In 1896 citizens held a referendum on the issue and the vote to recharter failed by a large margin. Editor of the Putnam County *Herald* Elmer Wirt and Judge Oscar K. Holladay led the campaign to recharter the town in 1903 under the provision that once a new charter was granted Cookeville could prohibit alcohol within the corporate limits. A second referendum passed on April 15, 1903 by a vote of 104 to two. Representatives from Cookeville appealed to the General Assembly for a new charter which was granted in June of 1903. This month marks the one hundredth year of Cookeville's re-incorporation.

HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to adjourn the meeting at 7:55 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Ricky Shelton

ABSENT: Councilman Sam Sallee

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Stephanie Miller, City Clerk



